



March 28, 2003

ENGROSSED HOUSE BILL No. 1620

DIGEST OF HB 1620 (Updated March 27, 2003 9:38 AM - DI 71)

Citations Affected: IC 5-10.2; IC 20-6.1.

Synopsis: Retired teacher reemployment; temporary teacher contracts. Increases the exempt amount a retired teacher who is reemployed may earn without reducing the teacher's retirement benefits. Provides that a temporary teacher's contract must be used under certain circumstances.

Effective: July 1, 2003.

Lawson L. Ayres
(SENATE SPONSORS — SERVER, SIPES)

January 16, 2003, read first time and referred to Committee on Education.
February 17, 2003, amended, reported — Do Pass.
February 20, 2003, read second time, ordered engrossed. Engrossed.
February 25, 2003, read third time, passed. Yeas 93, nays 5.

SENATE ACTION

February 27, 2003, read first time and referred to Committee on Education and Career Development.
March 27, 2003, amended, reported favorably — Do Pass.

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EH 1620—LS 6827/DI 71+



March 28, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1620

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10.2-4-8, AS AMENDED BY P.L.246-2001,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 8. (a) As used in this section, "exempt amount"
4 means, in the case of a member who has not attained the Social
5 Security normal retirement age for unreduced benefits:

6 **(1) for a retired public employees' retirement fund member,**
7 twenty-five thousand dollars (\$25,000), computed for the calendar
8 year in which a retired public employees' retirement fund member
9 is reemployed; ~~and or~~

10 **(2) for:**

11 **(A) a retired teacher's retirement fund member who is**
12 **reemployed to teach in an area not described in subsection**
13 **(e), thirty-five thousand dollars (\$35,000); or**

14 **(B) a retired teacher's retirement fund member who is**
15 **reemployed to teach in an area described in subsection (e),**
16 **forty thousand dollars (\$40,000);**

17 computed for the fiscal year in which a retired teachers' retirement

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fund member is reemployed.

(b) This subsection does not apply to a member who is employed by the department of education. If a member who is receiving retirement benefits and who has not attained the Social Security normal retirement age for unreduced benefits:

(1) becomes reemployed in a position covered by this article; and

(2) earns in that position more than the exempt amount;

his the member's retirement benefit payments shall stop, and the member shall begin making contributions as required in IC 5-10.2-3-2. However, employer contributions shall be made throughout the period of reemployment. The earnings limitation under this subsection does not apply to a member who has attained the Social Security normal retirement age for unreduced benefits.

(c) If a member who is receiving retirement benefits is reemployed in a position covered by this article not more than ninety (90) days after the member's retirement, the member's retirement benefits shall stop, the member shall begin making contributions as required by IC 5-10.2-3-2, and employer contributions shall be made throughout the period of reemployment.

(d) If a retired member is reemployed in a position covered by this article, section 10 of this chapter applies to the member upon the member's retirement from reemployment.

(e) **A retired teacher's retirement fund member who is reemployed to teach in one (1) or more of the following areas is entitled to the exempt amount set forth in subsection (a)(2)(B):**

(1) In mathematics, the following:

(A) Algebra I and II.

(B) Geometry.

(C) Investigative geometry.

(D) Trigonometry.

(E) Precalculus.

(F) Calculus.

(G) Probability and statistics.

(H) Data analysis and probability.

(I) Discrete mathematics.

(J) Advanced placement or college credit mathematics.

(2) In science, the following:

(A) In integrated sciences: environmental science, advanced environmental science, and advanced placement or college credit environmental science.

(B) In biological sciences: biology, second year biology, and advanced placement or college credit biology.



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(C) In earth and space sciences: earth and space science, second year earth and space science, and advanced placement or college credit earth and space science.

(D) In physical sciences: chemistry, second year chemistry, and advanced placement or college credit chemistry.

(E) In physics: physics, second year physics, and advanced placement or college credit physics.

(F) In other physical sciences: physical science, integrated chemistry and physics, and principles of flight and space travel.

(3) Special education.

SECTION 2. IC 20-6.1-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) ~~The temporary teacher's contract shall be used only for employing a teacher to serve in the absence of a teacher who has been granted a leave of absence by the school corporation for:~~ **Whenever a governing body determines it is necessary to offer a contract to a replacement teacher to fill a position that is vacant because of a leave of absence approved by the governing body, including leaves of absence for:**

- (1) engaging in military service or in service auxiliary to it;
- (2) professional study or advancement;
- (3) exchange teaching;
- (4) extended disability to which a licensed physician has attested;
- or
- (5) serving in the Indiana general assembly;

a temporary teacher's contract must be used.

(b) The temporary teacher's contract must contain:

- (1) the provisions of the regular teacher's contract except those providing for continued tenure of position;
- (2) a blank space for the name of the teacher granted the leave, but the name of that teacher on leave may not be used on another temporary teacher's contract for the same time; and
- (3) an expiration date which is the date of the return of the teacher on leave but is no later than the end of the school year.

(c) If the teacher is employed on the temporary teacher's contract for a period of sixty (60) days or more in a school year, he may on request receive the service credit that he would otherwise enjoy with regard to the state teachers' retirement fund. Additionally, the salary of that teacher may not be less than the salary provided by IC 20-6.1-5-1, the state minimum salary law, or by a local salary schedule not less remunerative.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1620, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "to".

Page 1, line 4, strike "serve" and insert "**who serves**".

and when so amended that said bill do pass.

(Reference is to HB 1620 as introduced.)

PORTER, Chair

Committee Vote: yeas 14, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1620, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.2-4-8, AS AMENDED BY P.L.246-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) As used in this section, "exempt amount" means, in the case of a member who has not attained the Social Security normal retirement age for unreduced benefits:

(1) for a retired public employees' retirement fund member, twenty-five thousand dollars (\$25,000), computed for the calendar year in which a retired public employees' retirement fund member is reemployed; **and or**

(2) for:

(A) a retired teacher's retirement fund member who is reemployed to teach in an area not described in subsection (e), thirty-five thousand dollars (\$35,000); or

(B) a retired teacher's retirement fund member who is reemployed to teach in an area described in subsection (e), forty thousand dollars (\$40,000);

computed for the fiscal year in which a retired teachers' retirement fund member is reemployed.

(b) This subsection does not apply to a member who is employed by the department of education. If a member who is receiving retirement benefits and who has not attained the Social Security normal retirement age for unreduced benefits:

(1) becomes reemployed in a position covered by this article; and

(2) earns in that position more than the exempt amount;

his the member's retirement benefit payments shall stop, and the member shall begin making contributions as required in IC 5-10.2-3-2. However, employer contributions shall be made throughout the period of reemployment. The earnings limitation under this subsection does not apply to a member who has attained the Social Security normal retirement age for unreduced benefits.

(c) If a member who is receiving retirement benefits is reemployed in a position covered by this article not more than ninety (90) days after the member's retirement, the member's retirement benefits shall stop, the member shall begin making contributions as required by

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IC 5-10.2-3-2, and employer contributions shall be made throughout the period of reemployment.

(d) If a retired member is reemployed in a position covered by this article, section 10 of this chapter applies to the member upon the member's retirement from reemployment.

(e) A retired teacher's retirement fund member who is reemployed to teach in one (1) or more of the following areas is entitled to the exempt amount set forth in subsection (a)(2)(B):

(1) In mathematics, the following:

- (A) Algebra I and II.**
- (B) Geometry.**
- (C) Investigative geometry.**
- (D) Trigonometry.**
- (E) Precalculus.**
- (F) Calculus.**
- (G) Probability and statistics.**
- (H) Data analysis and probability.**
- (I) Discrete mathematics.**
- (J) Advanced placement or college credit mathematics.**

(2) In science, the following:

- (A) In integrated sciences: environmental science, advanced environmental science, and advanced placement or college credit environmental science.**
- (B) In biological sciences: biology, second year biology, and advanced placement or college credit biology.**
- (C) In earth and space sciences: earth and space science, second year earth and space science, and advanced placement or college credit earth and space science.**
- (D) In physical sciences: chemistry, second year chemistry, and advanced placement or college credit chemistry.**
- (E) In physics: physics, second year physics, and advanced placement or college credit physics.**
- (F) In other physical sciences: physical science, integrated chemistry and physics, and principles of flight and space travel.**

(3) Special education."

Page 1, line 2, strike "The temporary".

Page 1, line 3, strike "teacher's contract".

Page 1, line 3, delete "must".

Page 1, line 3, strike "be used".

Page 1, line 3, strike "for employing a teacher".

Page 1, line 4, delete "who serves".



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Page 1, line 4, strike "in the absence of a teacher who has been granted a".

Page 1, line 5, strike "leave of absence by the school corporation for:" and insert **"Whenever a governing body determines it is necessary to offer a contract to a replacement teacher to fill a position that is vacant because of a leave of absence approved by the governing body, including leaves of absence for:"**.

Page 1, line 11, delete "assembly." and insert "assembly;"

Page 1, between lines 11 and 12, begin a new line blocked left and insert:

"a temporary teacher's contract must be used."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1620 as printed February 18, 2003.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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